

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2306 of 2018

Arising Out of PS. Case No.-199 Year-2018 Thana- GANDHIMAIDAN District- Patna

Pradip Kumar S/o Late Ram Kishun Yadav, R/o Mohalla- Chiraiyatand Laxmi Nagar, P.S.- Rampur, District- Gaya at presently residing at Boring Canal Road near Panchmukhi Mandir, P.S.- Budha Colony, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Government of Bihar, Patna, Home Department.
2. The Senior Superintendent of Police, Patna.
3. The Station House Officer, Gandhi maidan, Patna.
4. Director , Narcotic Durgs, NDPS, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma
For the Respondent/s : Mr. Partha Sarthy (Ga 4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-10-2018 This application has been filed for release of the vehicle Honda Motorcycle bearing registration no. BR02Y-8865 seized in connection with Gandhi Maidan P. S. Case No. 199 of 2018 (Special Case No. 52 of 2018) registered for the offence under Section 27 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that two grams Ganja has been recovered from the possession of the son of the petitioner. The vehicle is registered in the name of the petitioner and is ready and willing to abide by the terms and conditions imposed by this Court for release of the vehicle.

Learned counsel further submits that the vehicle is lying under open sky and if it will not be released over the



period, it will become a junk and shall be of no use. It is submitted that the petitioner shall provide such surety and undertakings which may be imposed by this Court.

Learned counsel for the State is present.

In the given facts and circumstances whereunder two grams Ganja is said to have been recovered from possession of the son of the petitioner and no other articles have been recovered from the vehicle in question, this Court directs for provisional release of the vehicle in question on the petitioner's production of document of ownership and registration in his name and furnishes two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the learned court below.

The order of provisional release is, however, subject to the further undertakings to be submitted by the petitioner before the court below as follows:

- (i) That the vehicle in question is not involved in any other offence of similar nature in past and shall not be involved in the nature of the offence in future.
- (ii) That the petitioner shall not create any third party right or interest in respect of the vehicle in question.
- (iii) That the petitioner shall produce the vehicle as



and when required by the learned court below/authority concerned.

Prior to release of the vehicle a Panchnama shall be prepared which will be kept on record for future use in course of trial.

The vehicle be released within one week from the date of furnishing surety and the undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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